

**CDVA Disability Advisory Committee**  
**Meeting Minutes**  
**February 16, 2010            1030 hours**  
**Medal of Honor Hall**

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Meeting opened at 1035 hours.

Attendees: Zeena Morales, Mary Droege, Ty Fisher, Jeremy Nasca, Sue Rose-Wilson. This is the first meeting attended by Zeena, who will be voluntarily replacing Craig Osborn.

**I. GC 19795(b)**

Sue distributed copies of Government Code 19795(b), which describes the intent and purpose of agency DACs. Sue explained that DACs were established primarily to increase representation of disabled individuals to state civil service but now their focus has expanded to include disability awareness activities.

Sue also mentioned that there is a training powerpoint presentation available to members that gives an overview of DAC. It can be shown again at one of our meetings or is accessible on the CDVA Intranet DAC site.

**II. AWFA 2009**

The committee discussed the Annual Workforce Analysis Report that is a legal requirement for all agencies and is submitted annually to the SPB/Legislature by the EEO Office. This report requires that we track our ethnic/gender/disabled breakdown in each job classification, identify any deficiencies, and put an action plan into place to correct those deficiencies. (The State's data is compared with private sector data to determine goals.) DACs were originally established to assist Departments in this regard, to help increase their numbers of employees with disabilities through recruitment and retention strategies and removal of barriers. This is one function where DACs are closely connected with the EEO Office, which Ty accurately pointed out.

Mary asked how many disabled employees we have at CDVA. Sue shared the percentages of disabled staff in each major job category within the Department and identified those categories which were deemed "deficient" in 2009, or, as needing more disabled individuals.

The committee noted that there seemed to be a pattern of deficiencies in the Agriculture and Construction trades and that this might be due to the reluctance of some staff to report disabilities for fear of being perceived as not being able to do their jobs. The Medicine category also was identified as having a deficiency, and Jeremy suggested that might be because the medical field could have a different idea of what constitutes a disability.

There was discussion about what is and is not a disability and the fact that some people who could legally say they have a disability might not for many reasons- 1) the perception that they can't do the job, 2) fear of discrimination, 3) lack of knowledge about the definition of disability, or, 4) the fact that their disability does not affect their ability to perform their job so they don't feel a need to disclose it. The committee noted that declaring oneself as having a disability is done via self-designation and that some individuals might not self-designate because they don't feel a need to do so- their disability doesn't affect their job performance and they don't need reasonable accommodation. Due to this fact, the disabled count within the agency is probably much lower than what is reported each year by SPB.

Mary asked how the Department knows who is disabled and who is not, when that is normally confidential information. Ty explained that employees may disclose that information on a form that is given to them at time of hire, which is confidential and goes directly to SPB. The total number is then confidentially provided to Sue at the end of each fiscal year.

This prompted discussion of resurveying employees periodically to determine a more accurate number of disabled individuals within the agency. Sue explained that our EEO policy now requires us to resurvey all staff for disability info every 3 years, and we are due for the resurvey again since the last resurvey was done in 2004 or 2005. The process is confidential, allows employees to self-designate a disability and is submitted directly to SPB- no one at our agency sees the information.

The last resurvey bolstered our disabled count considerably. This occurred because employees were provided with the legal definition of disability and an explanation of why the Department was conducting the survey- to get an accurate reflection of the number of disabled employees because the law requires us to employ a certain number. They also understood that the process was confidential so there would be no possibility of negative impact resulting from their declaration.

Sue mentioned that there is a new format for reporting the AWFA and that SPB is now looking at agency compliance regarding DACs. They want to know if we have an active DAC, what its objectives are and whether or not 2/3 of the committee membership is disabled, all in accordance with statute. Sue queried the group for disabled status but decided to pose the question anonymously later via email.

### **III. EEOC Compliance Documents**

Sue asked if the DAC wanted to resume the ADA Compliance Project this year, which was started last year by way of a proposal to and approval by the Secretary. Discussion of the origins/history/purpose of the project ensued: the project arose from a DHS audit of the Yountville Home in 2004 (?) wherein the Home/CDVA was cited for being in violation of Title II of the ADA. Title II requires public agencies to do the following 4 things, by 1-26-1992, to be in compliance with the statute:

- 1- Appoint an ADA Coordinator to respond to grievances/inquiries and make that individual's contact information accessible to all staff.
- 2- Establish a complaint form and grievance process.
- 3- Conduct an assessment of the agency's structures, programs, services, and communications for accessibility.
- 4- Establish a transition plan to bring the agency into compliance, based on the information derived from the assessment.

Sue explained that these audit findings motivated her to move forward with the ADA project and thought it would be a good objective for the DAC. Such an effort would show a good faith effort on the part of the agency to comply with the law and reduce any settlement costs in the event of disability litigation.

Due to the efforts of the committee thus far on this project, the agency is now 50% compliant with the statute, as items 1 & 2 above have been completed. ADA Coordinators have been appointed at each agency facility, their contact information is now accessible on our Internet/Intranet, and a page on our Department website is now devoted exclusively to ADA.

Sue presented the committee with an "ADA Toolkit" for state and federal agencies, which provides a step-by-step guide for ADA compliance, along with a manual developed by EEOC which identifies best practices utilized at agencies in every state for ADA compliance. Sue said that the committee

would use these documents as guides for the project, starting with the Introduction portion, and explained that the project was slow-moving last year due to a lack of such information.

Ty wanted to know if there was a timeline or goal for completion of the project. Sue said that the proposal presented to the Administration last year estimated that the project would take approximately 24 months. That timeline means that the DAC should try to have recommendations and/or an action plan in place by the end of this year to present to the Administration.

The DAC voted unanimously to continue with the ADA project, sans regular meetings with Homes' staff. It was agreed that the committee would work on the project primarily for Headquarters (HQ) and that Sue would coordinate with the ADA Coordinators at the Homes when information is required from their respective areas. It was also agreed that there would be regular "assignments" for all DAC members and deadlines to be met to keep the project moving forward.

The majority of the Homes are newer –erected after 1992- and their structures were built in compliance with ADA building standards, so physical assessments of those facilities are not necessary. With the one exception being Yountville, but that facility has hired an outside contractor to conduct an assessment of its physical structures. Therefore, the assessment being conducted at HQ would only pertain to the Homes with regard to the accessibility of their programs/services/communications. When information about those areas is required, Sue will coordinate with the respective ADA Coordinators and/or other staff as necessary.

Concerns were expressed by members regarding a possible lack of support for this effort by the Administration and/or lack of cooperation from staff at other facilities. Sue explained that the Secretary had signed off on DAC's written proposal last year and that the project had been discussed in Executive Staff and that Administration was aware of and supportive of it. If the committee hits a roadblock along the way, Administration could be asked to intervene, if necessary. Or, if one or more staff at a facility is not cooperative, information for that facility could be omitted from the project and addressed later upon request from the Administration. No one involved with the project has decision-making authority, per se- all serve in an advisory capacity only.

#### **IV. 2010 DAC Objectives**

Committee members thought that we should work on attendance this year and discussed ways to encourage regular attendance at meetings. All felt that we should make the committee more “fun” and attractive to recruit and retain members and improve attendance. Mary mentioned that we have conference-call capability so people could always call in if they can’t physically make it to a meeting.

Sue agreed to add the conference-call number to the agendas and to query all members via email for ideas on how to make the committee more fun and engaging. Ideas presented so far were quarterly luncheons, team-building events, food, and “field trips” that would allow for breaks from work.

Jeremy offered to hold another bake sale real soon.

Meeting closed at 1140 hrs.